

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt section:

Amend section: 3435(b)

Repeal section:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-1025-03

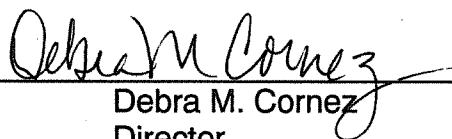
OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture will expand the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the Los Banos area of Merced County by approximately 125 square miles. The effect of this emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/28/2016 and will expire on 4/27/2017. The Certificate of Compliance for this action is due no later than 4/26/2017.

Date: October 28, 2016



Debra M. Cornejo
Director

Original: Karen Ross
Copy: Sara Khalid

EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-1025-03E
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For use by Office of Administrative Law (OAL) only

OCT 25 P 3:12**OFFICE OF
ADMINISTRATIVE LAW**

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

ENDORSED - FILEDin the office of the Secretary of State
of the State of California**OCT 28 2016****1:46 pm****A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 3		AMEND 3435(b)	
3. TYPE OF FILING		REPEAL	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Sara Khalid		TELEPHONE NUMBER 916-403-6625	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Sara.Khalid@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program

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ENDORSED APPROVED**OCT 28 2016****Office of Administrative Law**

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(8) In Stanislaus and Merced Counties:

(A) In Stanislaus and Merced areas:

(B) In the Los Banos area: Beginning at the intersection of ~~Ingomar Grade and Volta Road and~~ Henry Miller Road; then, ~~northerly along said road to its intersection with Henry Miller Road~~; then, starting easterly along said road to its intersection with Los Banos Creek; then, northwesterly along said creek to its intersection with China Camp Road; then, easterly along said road to its intersection with Wilson Road; then, northerly along said road to its intersection with Santa Fe Grade; then, southeasterly along said grade to its intersection with an Imaginary Line at 37.124968 latitude and -120.855013 longitude; then, easterly along said line to its intersection with Mercey Springs Road at 37.125185 latitude and -120.834793 longitude; then, northerly along said road to its intersection with Wolfsen Road; then, northeasterly along said road to its intersection with Hereford Road; then, northeasterly along said road to its intersection with Bisignani Road; then, westerly along said road to its intersection with S Delta Road; then, southerly along said road to its intersection with Henry Miller Road; then, easterly along said road to its intersection with Box Car Road; then, southerly along said road to its intersection with California Highway 152; then, easterly along said highway to its intersection with Britto Road; then, southerly along said road to its intersection with Santa Fe Grade; then, southeasterly along said grade to its intersection with Mallard Road; then, southwesterly along said road to its intersection with Wild Duck Road; then, southerly along said road to its intersection with Main Canal; then, northwesterly along said canal to its intersection with Fialho Avenue; then, westerly along said avenue to its intersection with Holstein Road; then, southeasterly along said road to its intersection with Cotton Gin Road; then, westerly along said road to its intersection with S Mercey Springs Road; then, southerly along said road to its intersection with Interstate 5 North; then, northwesterly along said interstate to its intersection with Volta Road; then, northerly along Volta Road to its intersection with an Imaginary Line at 37.01665 latitude and -120.92999 ~~longitudesaid road to its intersection with Ingomar Grade~~; then, westerly along said line to its intersection with Bonita Road at 37.014413 latitude and -120.988166 longitude; then, northerly along said road to its intersection with Billy Wright Road; then, southwesterly along said road to

its intersection with an Unnamed Creek at 37.005490 latitude and -121.042590 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 37.00280 latitude and -121.05155 longitude; then, northwesterly along said line to its intersection with an Unnamed Creek at 37.006274 latitude and -121.054810 longitude; then, northwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 37.01655 latitude and -121.06889 longitude; then, northwesterly along said line to its intersection with San Luis Reservoir State Recreation Area at 37.03731 latitude and -121.09617 longitude; then, northwesterly along an Imaginary Line to its intersection with San Luis Reservoir State Recreation Area at 37.11027 latitude and -121.13292 longitude; then, northwesterly along an Imaginary Line to its intersection with McCabe Road at 37.129830 latitude and -121.142770 longitude; then, northeasterly along an Imaginary Line to its intersection with Butts Road at 37.165620 latitude and -121.099439 longitude; then, northeasterly along an Imaginary Line to its intersection with Cottonwood Road at the beginning of said road; then, easterly along said road to its intersection with Ingomar Road; then, southerly along said road to its intersection with Ingomar Grade; then, easterly along said grade to its intersection with an Imaginary Line at the terminus of said grade; then, northerly along said line to its intersection with San Luis Wasteway at 37.18197 latitude and -120.90458 longitude; then, southerly along said wasteway to its intersection with an Imaginary Line at the terminus of said wasteway; then, southerly along said line to its intersection with San Luis Wasteway at 37.14191 latitude and -120.91885 longitude; then, southwesterly along said wasteway to its intersection with an Unnamed Creek at 37.12709 latitude and -120.91964 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 37.11393 latitude and -120.92559 longitude; then, southerly along said line to its intersection with an Unnamed Creek at 37.10751 latitude and -120.92510 longitude; then, easterly southerly along said grade creek to the point of the beginning.

....

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.